

Message Text

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PAGE 01 MADRID 05556 222111Z POSS DUPE
ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 PM-05 COME-00 DODE-00 NSF-02
IO-14 L-03 /044 W
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TO SECSTATE WASHDC 0000
INFO USUN 700

UNCLAS MADRID 5556

FOR OES/OFA

E.O. 11652: N/A
TAGS: PLOS, TOCY, SP
SUBJECT: RESEARCH VESSEL CLEARANCES AND LOS, SPAIN

REF: MADRID A-03

1. IN SPANISH NOTE 216 OF JULY 5, 1977, DENYING
AUTHORIZATION FOR USNS HAYES TO PERFORM RESEARCH IN
SPANISH WATERS--COPY POUCHED TO DEPARTMENT FOR
OES/OFA--FONOFF CALLED TO THE EMBASSY'S ATTENTION
THAT THE DENIAL APPLIED NOT ONLY TO SPANISH TERRITORIAL
WATERS --"AUGUAS TERRITORIALES ESPANOLAS"--BUT ALSO TO
ALL MARITIME ZONES UNDER SPANISH JURISDICTION --"TODAS
LAS ZONAS MARITIMAS SOMETIDAS A LA JURISDICCION
ESPANOLA"-- A DISTINCTION WHICH HAD NOT BEEN MADE
PREVIOUSLY, AS FAR AS EMBASSY RECORDS ON RESEARCH
VESSEL CLEARANCES SHOW.

2. EMBOFF CALLED ON FONOFF AND DISCUSSED THIS
DISTINCTION WITH THE SPANISH OFFICIAL WHO HAD DRAFTED
THE NOTE. HIS EXPLANATION WAS THAT FONOFF WISHED IT
CLEARLY UNDERSTOOD BY FOREIGN OCEANOGRAPHIC
INVESTIGATORS THAT NOT ONLY THE TERRITORIAL SEA BUT
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ALSO THE CONTINENTAL SHELF ARE CONSIDERED TO BE SUBJECT
TO SPANISH JURISDICTION, AS DEFINED IN THE LOS
CONVENTIONS ON THE TERRITORIAL SEA AND THE CONTIGUOUS
ZONE AND ON THE CONTINENTAL SHELF DONE AT GENEVA
APRIL 29, 1958, AND LATER RATIFIED BY BOTH THE U.S.
AND SPAIN. SPANISH LAW 10/1977 OF JANUARY 4, 1977,
(REFTEL) CLARIFIED SPANISH NOMENCLATURE ON TERRITORIAL

SEA AND DEFINED IT AS HAVING A TWELVE MILE LIMIT.
THERE IS NO SIMILAR LAW FOR THE CONTINENTAL SHELF,
WHILE THE LOS DEBATES CONTINUE, SO THE LOS CONVENTION
STILL APPLIES.

3. FONOFF OFFICIAL ALSO EMPHASIZED HIS GOVERNMENT'S
CONCERN WITH THE POSSIBLE INDUSTRIAL AND DEFENSE
IMPLICATIONS OF CERTAIN KINDS OF OCEANOGRAPHIC
RESEARCH, INCLUDING SOME PROPOSED AS PURE OR BASIC
SCIENCE. ALL FOREIGN PROPOSALS FOR OCEANOGRAPHIC
RESEARCH ARE THEREFORE CAREFULLY REVIEWED BY
INTERESTED SPANISH MINISTRIES AND FOR THIS REASON
MUST BE COMPLETE AND SUBMITTED AT LEAST SIX MONTHS
IN ADVANCE, AS REQUIRED BY SPANISH CIRCULAR 54 OF
OCTOBER 30, 1970, COPIED TO DEPARTMENT ON SEVERAL
OCCASIONS.

4. NO FINAL DECISION HAS BEEN TAKEN BY GOS ON THE
200 MILE LIMIT, ALTHOUGH THERE IS A DRAFT LAW
AWAITING ACTION. THERE ARE ACTIVE DISCUSSIONS ON
JURISDICTION WITH NEIGHBORING STATES, WITH THE
EUROPEAN COMMUNITY AND WITH OTHER NATIONS, INCLUDING
THE U.S., IN WHOSE WATERS SPAIN NORMALLY FISHES. STABLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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